

GENERAL INDEX

The following abbreviations are used throughout this section: C.D. (Conveyancer's Diary); C.L.C. (Common Law Commentary); Co. L. (Company Law and Practice); Corres. (Correspondence); L. (Leading Articles); L.T. (Landlord and Tenant Notebook); M. (Miscellaneous); P.N. (Practice Notes); Soc. (Societies); T. (Current Topics); Tax. (Taxation).

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Compensation: licensed inn: basis of compensation payable to freehold reversioners [Personal Representatives of Tull, deceased v. Secretary of State for Air (C.A.)], 189.

Compensation: meaning: whether "purchase money on sale or other disposition": Fiji: compulsory acquisition: native land: compensation money: payable to Native Land Trust Board: not to members of Tokatoka (native land holding unit) [Nalukuya v. Director of Lands; Native Land Trust Board of Fiji (Intervener) (P.C.)], 317.

Compulsory purchase order: notice to treat: validity: attempt to enforce after many years' delay [Grice v. Dudley Corporation (Ch. D.)], 591.

Conflict of laws:

Adoption: succession: will: adopters domiciled in British Columbia: children born and adopted in British Columbia: whether adopted children entitled under substitutional gift to issue of adopter under English will [In re Marshall; Barclays Bank, Ltd. v. Marshall (Ch. D.), C.A.], 229, 664.

Domicile: change: military duty: residence for purpose of military duty [Cruickshanks v. Cruickshanks (P.D.A.)], 340.

Marriage: validity: common-law marriage: forces abroad: occupation of foreign territory: marriage between Poles in Italy [Taczanowska (otherwise Roth) v. Taczanowski (C.A.)], 534.

Marriage: validity: presumption of subjecting to *lex loci celebrationis*: rebuttal [Kochanski v. Kochanska (P.D.A.)], 763.

Power of appointment: general power of appointment: power contained in English settlement: general disposition in will of testatrix domiciled abroad: whether exercise of power [In re Waite's Settlement Trusts; Westminster Bank, Ltd. v. Brouard (Ch. D.)], 446.

Conflict of laws (continued):

Sovereign immunity: foreign State not a party to proceedings: impleading foreign sovereign: money belonging to one sovereign transferred to defendant as servant of another foreign sovereign: transfer by person entitled to operate bank account: no authority to transfer: action to recover money: claim that foreign sovereign impleaded or property of foreign sovereign affected [Nizam of Hyderabad and State of Hyderabad v. Jung (C.A.)], 110; [Rahimtoola v. Nizam of Hyderabad (H.L.)], 901.

Succession: corporation: foreign legislation: comity: universal succession: foreign law substituting new company for old company having English debts [Metliss v. National Bank of Greece and Athens S.A. (C.A.)], 301; [National Bank of Greece and Athens S.A. v. Metliss (H.L.)], 972.

Contempt of court:

Mens rea: newspaper article: innocent dissemination: foreign periodical: liability of distributors [R. v. Griffiths; *ex parte* A.-G. (Q.B.D.)], 447.

Report of judicial proceedings: false report: proceedings in chambers before master: inaccurate newspaper comment and description before adjournment into court [Alliance Perpetual Building Society v. Belrum Investments, Ltd. (Ch. D.)], 406.

Contract:

Construction: repugnancy: work and labour: payment: disputes over way in which work done: cheque for less than balance claimed sent by defendant to contractors with words "in full and final settlement" on back: signed and endorsed by secretary: liability for balance claimed [Neuchatel Asphalte Co., Ltd. v. Barnett (C.A.)], 170.

Illegality: foreign prohibition: sale of jute bags from India c.i.f. Genoa: intention to tranship to South Africa contrary to Indian law [Regazzoni v. K. C. Sethia (1944), Ltd. (H.L.)], 848.

Costs:

Contempt of court: taxation: motion for committal or attachment: respondents guilty of contempt: order for costs as between solicitor and client: whether costs to be taxed on indemnity basis [Morgan v. Carmarthen Corporation (Ch. D., C.A.)], 207, 372.

Justices: Crown practice: liability of justices for costs: mandamus: unsuccessful appearance by counsel for justices before Divisional Court [R. v. Llandilo Licensing Justices; *ex parte* Davies (Q.B.D.)], 517.

Lands Tribunal: discretion: Tribunal's fee: successful appellant deprived of costs [Wootton v. Central Land Board (C.A.)], 188.

Payment into court: payment by one of two defendants: acceptance by plaintiff: whether money "recovered" in the action: plaintiff's costs against unsuccessful defendant on county court scale: successful defendant's costs against plaintiff on High Court scale [Parkes v. Knowles (Q.B.D.)], 816.

County court:

High Court: application to transfer action to: grounds for transfer [Patterson v. Ellis (C.A.)], 553.

Jurisdiction: action for recovery of land: mortgagee's claim for possession: whether "action for the recovery of land" [R. v. Judge Dutton Briant; *ex parte* Abbey National Building Society (Q.B.D.)], 555.

Practice: judgment given in defendant's absence: defendant mistaken as to date of hearing: new trial refused: discretion wrongly exercised [Hayman v. Rowlands (C.A.)], 170.

Court of Appeal:

County court: appeal from: damages: personal injuries: power of appellate court to interfere [Wilson v. Pilley (C.A.)], 868.

Court of Appeal (continued):

County court: appeal from: judge's note incomplete: whether court can receive affidavit from solicitor concerned [Hayman v. Rowlands (C.A.)], 170.

Jurisdiction: appeal against adoption order: mother's consent dispensed with: subsequent objection: jurisdiction to determine validity of order [*In re B.*, an infant (C.A.)], 679.

Notice of appeal: form: specifying ground of appeal [Taylor v. John Summers & Sons, Ltd. (C.A.)], 902.

Criminal law:

Affray: terror of subject: no evidence that any person actually put in terror: whether necessary: defence of self-defence: whether material [R. v. Sharp; R. v. Johnson (Cr. A.)], 230.

Conspiracy: abroad, to commit acts: conspiracy in England to defraud government department in Germany [Board of Trade v. Owen (H.L.)], 186.

Corruption: bribe: accepting bribe as inducement to show favour: no necessity to prove that favour in fact shown [R. v. Carr (Courts-Martial Appeal Court)], 112.

Court of Criminal Appeal: abandonment of appeal to: power to withdraw notice of abandonment [R. v. Moore (Cr. A.)], 556.

Court of Criminal Appeal: application for leave to appeal to: murder: non-capital: applications for leave not to be listed as final appeals: application for leave to appeal against sentence not receivable [Practice Direction, 13th May (Cr. A.)], 430.

Court of Criminal Appeal: application for leave to appeal to: report: police report made subsequent to trial submitted to Court of Criminal Appeal: undesirability [R. v. Williams; R. v. Bell (Cr. A.)], 231.

Court of Criminal Appeal: sentence, appeal against: practice: appeals against sentence in cases sent to quarter sessions: committal order to be sent to Court of Criminal Appeal for rectification if sentence ordered [R. v. Perfect (Cr. A.)], 394.

Explosive substances: "knowingly" possessing: whether knowledge that substance is explosive necessary [R. v. Hallam (Cr. A.)], 268.

Larceny: "takes": under mistake: excess goods loaded on to lorry: excess only discovered on delivery: misappropriation [Russell v. Smith (Q.B.D.)], 665.

Mens rea: maliciously administering noxious thing: whether "wickedness" equivalent to malice [R. v. Cunningham (Cr. A.)], 503.

Mental deficiency: carnal knowledge of mentally defective girl: defence: whether girl lawfully detained in institution [R. v. Head (Cr. A.)], 887.

Murder: diminished responsibility: onus of proof: balance of probabilities [R. v. Dunbar (Cr. A.)], 594.

Murder: killing in course of other offence: malice aforethought: application of Homicide Act, 1957 [R. v. Vickers (Cr. A.)], 593.

Murder: manslaughter: provocation: evidence [Bullard v. R. (P.C.)], 797.

Plea: fitness to plead: to be tried before general issue [R. v. Beynon (Q.B.D.)], 409.

Practice: jury: new form of oath [Practice Note, 21st January (Cr. A.)], 174.

Practice: plea: *autrefois acquit*: indictment: motor manslaughter: jury acquit and disagree as to dangerous driving: whether lesser offence triable at quarter sessions [*In re* Shipton (Q.B.D.)], 148.

Practice: previous convictions attached to back of indictment handed to jury [R. v. Thomas (Cr. A.)], 853.

Practice: trial: court of: demanding money with menaces with intent to steal: to be tried at assizes in absence of compelling reason [R. v. Hacker (Cr. A.)], 210.

Practice: trial: view by jury of *locus in quo*: view with witnesses: absence of judge: fatal defect in trial [Tameshwar v. R. (P.C.)], 532.

Criminal law (continued):

Practice: venue: removal of trial on ground of prejudice: power to change venue to foreign court limited to next assizes or sessions [R. v. Oliver (Q.B.D.)], 976.

Self-defence: onus of proof: onus of establishing plea of self-defence not on accused: unlawful wounding [R. v. Lobell (Cr. A.)], 268.

Sentence: fine: death of accused: imprisonment and fine imposed by quarter sessions for felony: "additional imprisonment" in default: death of felon while serving sentence: right of Crown to recover fine from personal representatives [Treasury v. Harris (Q.B.D.)], 465.

Sentence: probation order: court of summary jurisdiction: breach by probationer: new probation order made while former order not discharged: power of court to make new order [R. v. Havant Justices; *ex parte* Jacobs (Q.B.D.)], 173.

Sentence: supervision order: previous convictions: whether convicted on two previous occasions [R. v. Perfect (Cr. A.)], 394.

Wounding: onus of proof: self-defence [R. v. Lobell (Cr. A.)], 268.

Crown practice:

Certiorari: inferior tribunal: patent appeal tribunal: whether certiorari will lie to the tribunal [R. v. Patent Appeal Tribunal; *ex parte* Champion Paper and Fibre Co. (Q.B.D.)], 131.

Crown proceedings:

Post office: liability in contract: registered overseas postal packets: theft by postal servant: whether claim in contract maintainable [Triefus & Co., Ltd. v. Post Office (C.A.)], 463.

Damages:

Contract: breach: hire of equipment for fixed period: premature determination by hirer [Interoffice Telephones, Ltd. v. Robert Freeman Co., Ltd. (C.A.)], 958.

Negligence: solicitor: will: failure properly to advise client: consequent loss of benefits conferred on client by will: measure of damages [Hall v. Meyrick (Q.B.D.)], 229.

Personal injuries: husband and wife: loss of earnings: claim by husband during wife's incapacity [Kirkham v. Boughey (Q.B.D.)], 780.

Personal injuries: permanent injury: quantum of damages: award of £75 for fairly serious injury: whether adequate [Wilson v. Pilley (C.A.)], 868.

Remoteness of damage: *nexus actus interveniens*: suicide after personal injuries: head injuries: neurosis [Pigney v. Pointer's Transport Services (Q.B.D.)], 851.

Sale of goods: failure to accept and pay for goods: delivery of motor car refused by buyer: sold to another purchaser: whether dealer entitled to loss of profit on repudiated sale [Charter v. Sullivan (C.A.)], 265.

Dock:

Regulations: shipbuilding: dry dock: several repairers contracting with shipowners: no notional occupier: accident to shipowners' employee: liability of shipowners [Canadian Pacific Steamships, Ltd. v. Bryers (H.L.)], 957.

East Africa:

Contract: mistake: mutual mistake as to essential matter of fact: contract impossible in itself: contract void: no compensation [Sheikh Brothers, Ltd. v. Ochsner (P.C.)], 128.

Kenya: criminal law: East African Court of Appeal: jurisdiction to order retrial [Ross v. R. (P.C.)], 170.

Tanganyika: criminal law: conspiracy: husband and wife: Shia Mohammedans: English rule of unity of spouses applicable in Tanganyika: rule applicable where valid marriage potentially polygamous [Mawji v. R. (P.C.)], 146.

East Africa (continued):

Tanganyika: revenue: income tax: company: statutory power of revenue authority to order distribution of dividend [Commissioner of Income Tax v. Williamson Diamonds, Ltd. (P.C.)], 797.

Ecclesiastical law:

Faculty: costs: tombstone: costs ordered against stonemason for tombstone erected without faculty [*In re* Woldingham Churchyard (Southwark Consistory Court)], 535.

Faculty: ornaments: extent and nature of faculty jurisdiction: removal of illegal ornaments: whether ciborium an illegal ornament [*In re* St. Mary, Tyne Dock (No. 2) (Durham Consistory Court)], 922.

Wales: peculiar: right of rector to grant marriage licences: whether extinguished on disestablishment of Church in Wales [Powell v. Representative Body of Church in Wales (Ch. D.)], 207.

Electricity:

Regulations: insulating screens: control house: failure to screen live switchboard panels: electrician fatally injured: breach of statutory duty [Murfitt v. United Steel Companies, Ltd.; Power Gas Corporation, Ltd., third party (C.A.)], 61.

Enticement:

Harbouring of husband: whether action for harbouring in absence of enticement will lie at suit of wife [Winchester v. Fleming (Q.B.D.)], 976.

Estoppel:

Conduct by: standing by judicial proceedings: rival claims to stool lands: previous suits between parties' subordinates in same interest: knowingly standing by [Nana Ofori Atta II v. Nana Abu Bonsra II (P.C.)], 882.

Per rem judicatam: husband and wife: divorce: husband's petition alleging perjury by wife in previous maintenance proceedings: dismissal of wife's charge of cruelty in maintenance proceedings: wife repeating charge of cruelty in answer to divorce petition: no estoppel binding court in divorce jurisdiction [Thompson v. Thompson (C.A.)], 87.

Executor and administrator:

Administrator: trustee: completion of administration: power of administrators with will annexed to appoint new trustees [*In re* Cockburn's Will Trusts; Cockburn v. Lewis (Ch. D.)], 534.

Factory:

Crane or lifting machine: chains: whether of good construction and adequate strength [Gledhill v. Liverpool Abattoir Utility Co., Ltd. (C.A.)], 797.

Crane or lifting machine: "travelling crane": crane working overhead but running on rails at ground level: whether "overhead travelling crane" [Carrington v. John Summers & Sons, Ltd. (Q.B.D.)], 266.

Dangerous machinery: fencing: dangerous combination of machinery and material: danger arising from "nip" between borer and component being bored: duty to fence [Hoare v. M. & W. Grazebrook, Ltd. (Q.B.D.)], 373.

Dangerous machinery: fencing: dangerous combination of machinery and material: metal-planing machine: duty not applicable to part of machine not dangerous in itself though dangerous in conjunction with material being worked on [Lewis v. High Duty Alloys, Ltd. (Q.B.D.)], 373.

Dangerous machinery: fencing: woodworking machine: circular saw: factory owners' duty: compliance with regulations: whether further duty imposed by Factories Act, 1937: order for new trial on issue of negligence [Automatic Woodturning Co., Ltd. v. Stringer (H.L.)], 106.

Factory (continued):

Dangerous machinery: fencing: woodworking machine: efficient guard: meaning: vertical spindle moulding machine: construction of safety regulations [Vickers v. E. Gomme, Ltd. (C.A.)], 391.

Definition: prison workshop not a factory [Pullin v. Prison Commissioners (Q.B.D.)], 903.

Dust: elimination: "all practicable measures": substantial quantity of dust: no masks provided: dust not known to be injurious until 1950 [Richards v. Highway Ironfounders (West Bromwich), Ltd. (Q.B.D.)], 4.

Dust: grinding of: "grinding" and "cleaning of castings": whether mutually exclusive: "abrasive wheel": wheel "of bonded emery or similar abrasive": meaning of "similar": carborundum: silica dust: pneumoconiosis [Quinn v. Cameron & Robertson, Ltd. (H.L.)], 317.

Dust: grinding of metals: silica dust: pneumoconiosis: whether caused by breach of duty: ventilation: swing-frame grinders: not "portable" [Nicholson v. Atlas Steel Foundry and Engineering Co., Ltd. (H.L.)], 355.

Fatal Accidents Acts:

Damages: insurance: pension scheme: weekly payments made to widow and children: whether to be taken into account in assessing damages [O'Neill v. S. J. Smith & Co. (Bridford), Ltd. (Q.B.D.)], 960.

Fiji:

Rating: valuation of land: "unimproved value": method of assessment [Tetzner v. Colonial Sugar Refining Co., Ltd. (P.C.)], 588.

Fishery:

Salmon: close season: salmon deposited with fishmongers during close season for sale at its termination [Birkett v. McGlasson's, Ltd. (Q.B.D.)], 149.

Food and drugs:

Food: risk of contamination injurious to public health [Mac Fisheries (Wholesale and Retail), Ltd. v. Coventry Corporation (Q.B.D.)], 853.

Hire-purchase:

Agreement: unenforceable agreement: whether right to possession of owner enforceable against third parties [Eastern Distributors, Ltd. v. Goldring; Murphy, third party (C.A.)], 553.

Housing:

Rent: differential rent scheme: whether "reasonable" [Summerfield v. Hampstead Borough Council (Ch. D.)], 111.

Unfit for human habitation: underground room: non-compliance with local authority regulations: closing order: standard of fitness applicable [Critchell v. Lambeth Borough Council (C.A.)], 515.

Unfit for human habitation: underground room: rent restriction: repairs and rent: notice of increase: proceedings in county court by landlord to recover increase: whether premises fit for occupation: standard applicable to underground room [London Hospital Governors v. Jacobs (No. 2) (C.A.)], 515.

Husband and wife:

Adultery: consent: intervener aged 12 years: whether capable of adultery [Barnett v. Barnett; Brown intervening (P.D.A.)], 133.

Alimony *pendente lite*: assessment of amount: national assistance being received by wife: to be taken into consideration [Sterne v. Sterne (C.A.)], 285.

Alimony *pendente lite*: assessment of amount: wife's earning capacity [Griffith v. Griffith (P.D.A.)], 248.

Husband and wife (continued):

Condonation: revival of condoned offence: pleadings: allegation in pleadings capable of constituting revival: no evidence of effect on mind of person charged [Benton v. Benton (C.A.)], 884.

Conduct conducive to desertion: conduct less than just cause: conjugal unkindness [Postlethwaite v. Postlethwaite (P.D.A.)], 357.

Cruelty: desertion: neglect and indifference: course of conduct: simple desertion as cruelty [Cade v. Cade (P.D.A.)], 374.

Desertion: adultery by petitioner: adultery before inception of desertion: whether absolute bar to finding of desertion [Day v. Day (P.D.A.)], 321.

Desertion: termination: Jewish bill of divorce: not necessarily terminating desertion [Corbett v. Corbett (P.D.A.)], 267.

Divorce: conflict of jurisdiction: foreign decree: recognition: jurisdiction assumed on basis of wife's domicile: parties at all material times domiciled in England: wife resident for more than three years before proceedings within territory of foreign court [Robinson-Scott v. Robinson-Scott (P.D.A.)], 887.

Divorce: conflict of jurisdiction: foreign decree based on residence: validity: parties domiciled in England at time of decree: husband's desertion of wife while resident in Finland: parties then domiciled in Finland [Arnold v. Arnold (P.D.A.)], 193.

Divorce: conflict of jurisdiction: foreign decree on answer to wife's petition based on residence: husband domiciled in England: wife resident in Germany: wife's petition for divorce in Germany dismissed: cross-petition for divorce of husband granted by German court: validity [Levett v. Levett and Smith (C.A.)], 248.

Divorce: conflict of jurisdiction: maintenance: foreign decree based on domicile: no notice to wife: recognition of decree on status: order under Summary Jurisdiction (Married Women) Act, 1895, s. 7 [Wood v. Wood (C.A.)], 356.

Divorce: death: service of petition for decree of presumption of death and dissolution of marriage: leave to dispense with service [N. v. N.; L. v. L.; C. v. C. (P.D.A.)], 230.

Divorce: decree: decree absolute: application: cohabitation resumed after decree nisi [Rose v. Rose (P.D.A.)], 210.

Divorce: delay, unreasonable: adultery: knowledge thereof: separation of parties: husband without knowledge of or reason to suspect wife's nine years' adultery [Brown v. Lloyd and Lloyd (P.D.A.)], 410.

Divorce: delay, unreasonable: adultery: no action until petitioner desired to remarry: exercise of discretion [Purton v. Purton and George (P.D.A.)], 132.

Divorce: delay, unreasonable: adultery: unsuccessful inquiries for respondent: saving money for divorce [Key v. Key and Staples (P.D.A.)], 132.

Divorce: foreign divorce: fraud: respondent prevented from having notice of proceedings: whether foreign decree valid [MacAlpine v. MacAlpine (P.D.A.)], 816.

Divorce: marriage settlement: test of [Hindley v. Hindley (P.D.A.)], 593.

Divorce: residence: cross-petition based on wife's residence: husband found domiciled abroad: wife's three years' ordinary residence in England: suit instituted by husband: jurisdiction to grant wife decree: suit instituted by wife: no jurisdiction to grant husband decree [Russell v. Russell and Roebuck (P.D.A.)], 393.

Divorce: residence: wife's petition on ground of desertion based on three years' residence: previous separation under *lex domicilii* [Tursi v. Tursi (P.D.A.)], 680.

Divorce: separation agreement: *Rose v. Rose* clause: covenant not to plead, allege or give evidence of pre-deed matrimonial offences: husband's petition alleging post-deed adultery: wife's and co-respondent's answers alleging pre-deed cruelty and adultery and post-deed adultery [N. v. N. and L. (P.D.A.)], 340.

Husband and wife (continued):

- Justices: appeal to Divisional Court: delay in appealing: husband's sworn statement of good defence [Smith v. Smith (P.D.A.)], 483.
- Justices: appeal to Divisional Court: service of documents on minors [Levy v. Levy (P.D.A.)], 174.
- Justices: probation officer: husband's alleged admission of desertion to probation officer: impropriety of evidence of such admission in husband's absence [Smith v. Smith (P.D.A.)], 483.
- Justices: refusal to adjudicate: appeal: jurisdiction of High Court: matters more conveniently dealt with in High Court: power of justices to divide matters and refer in part to High Court: custody [Davies v. Davies (P.D.A.)], 482.
- Maintenance: agreement: consideration: wife in desertion: covenant by husband to pay weekly sum: covenant by wife to maintain herself and indemnify husband against debts and not pledge his credit: whether any consideration for husband's promise [Williams v. Williams (C.A.)], 108.
- Maintenance: agreement: separation: no agreement to maintain: statutory right of National Assistance Board against husband [Pinnick v. Pinnick (P.D.A.)], 375.
- Maintenance: divorce: judgment summons: children: order for payment of maintenance to two children of marriage: one summons issued by wife as next friend of both: separate summonses required in respect of each debt [Easterbrook v. Easterbrook (P.D.A.)], 303.
- Maintenance: divorce: modification order: correct practice on application [Cockburn v. Cockburn (C.A.)], 798.
- Maintenance: divorce: paternity: estoppel: husband denying paternity: maintenance order in favour of "child of the marriage" made by registrar: no jurisdiction in registrar to decide issue of paternity: husband not estopped from denying paternity [Nokes v. Nokes (P.D.A., C.A.)], 249, 516.
- Maintenance: divorce: remarriage: wife's affidavit concealing remarriage: "conduct of the parties": "circumstances of the case" [Hayfield v. Hayfield (P.D.A.)], 249.
- Maintenance: High Court: divorce: consent order for maintenance of children until 21: death of husband before children attain 21: maintenance not payable from husband's estate [Sugden v. Sugden (C.A.)], 109.
- Maintenance: High Court: divorce: order to pay school fees: failure to comply: no right of attachment [Farrant v. Farrant (P.D.A.)], 88.
- Maintenance: High Court: periodical payments: power to secure for joint lives only: wilful neglect to maintain [Pigott v. Pigott (C.A.)], 867.
- Maintenance: justices: divorce: effect on maintenance order: foreign divorce [Wood v. Wood (C.A.)], 356.
- Maintenance: justices: power to antedate order [Meyer v. Meyer (P.D.A.)], 630.
- Maintenance: justices: variation: jurisdiction to hear application in court other than that making original order [Meaney v. Meaney (P.D.A.)], 482.
- Nullity: conflict of jurisdiction: void marriage: foreign decree: jurisdiction: court of *lex loci celebrationis*: residence [Corbett v. Corbett (P.D.A.)], 267.
- Practice: cruelty: interrogatories: whether permissible [Hulbert v. Hulbert (C.A.)], 338.
- Practice (in matrimonial causes): pleading: rules to be observed [Thompson v. Thompson (C.A.)], 87.
- Property: proceedings under Married Women's Property Act, 1882, s. 17: house purchased for home: entitlement of parties after divorce [Fribance v. Fribance (No. 2) (C.A.)], 188.
- Property: proceedings under Married Women's Property Act, 1882, s. 17: proceedings involving inquiries as to existence of property and unascertained debts not maintainable: jurisdiction [In re Camkin's Questions (Ch. D.)], 148.

Infant:

- Custody: Divorce Court: removal from jurisdiction: issue as to jurisdiction of court: injunction and order to return children sought: power of court to make order as to children of British nationality outside jurisdiction [Harben v. Harben (P.D.A.)], 150.

Insurance:

- Liability insurance: professional negligence: "Queen's Counsel" clause: mixed claim involving negligence and dishonesty [West Wake Price & Co. v. Ching (Q.B.D.)], 64.
- Marine insurance: contract of indemnity: claims of company's liquidator subject to insurers' rights of subrogation [In re Miller, Gibb & Co., Ltd. (Ch. D.)], 392.

Judge:

- Conduct of: evidence of witnesses: interventions by judge held excessive [Jones v. National Coal Board (C.A.)], 319.

Jury:

- Constitution: tales: trial on indictment: no summoned jurors present: tales prayed by clerk of the peace: twelve jurors collected: whether jury competent [R. v. Solomon (Cr. A.)], 921.

Justices:

- Appeal to quarter sessions: jurisdiction: summary offence before metropolitan magistrate: plea of guilty: right of appeal against conviction [R. v. Deputy Chairman of the County of London Quarter Sessions Appeals Committee; *ex parte* Borg (Q.B.D.)], 680.
- Case stated: procedural error in: departure from ordinary principles of justice: refusal to allow cross-examination of co-defendant: decision of justices quashed: no power to order re-trial [Rigby v. Woodward (Q.B.D.)], 148.
- Case stated: quarter sessions: inferences from facts found by quarter sessions: no error in law: intention to dedicate footpath [Chivers & Sons, Ltd. v. Cambridge County Council; Trustees of the National Institute of Agricultural Botany Registered v. Cambridge County Council (C.A.)], 318.
- Election to go for trial: indictable offence triable summarily: consent to summary trial: magistrate's right to allow accused to withdraw consent [R. v. Craske; *ex parte* Metropolitan Police Commissioner (Q.B.D.)], 592.
- Warrant: endorsement: warrant of arrest issued in Dublin for execution in London: endorsement pinned on to warrant: whether valid [R. v. Metropolitan Police Commissioner; *ex parte* Melia (Q.B.D.)], 853.

Land drainage:

- Compensation: spoil deposited on riparian land: liability of river board [Jones v. Mersey River Board (C.A.)], 867.

Land registration:

- Boundaries: revision: filed plan: boundary dispute: right of adjoining plot owner to have filed plan revised [Lee v. Barrey (C.A.)], 129.
- Limitation of action: registered land: adverse possession: right of purchaser in possession against subsequent purchaser: overriding interests [Bridges v. Mees (Ch. D.)], 555.

Landlord and tenant:

- Act of 1954: business premises (security of tenure): "business": members' club: lawn tennis club occupying clubhouse and tennis courts under tenancy agreement: club registered under Industrial and Provident Societies Act, 1893, to carry on business of lawn tennis club: whether business tenancy [Addiscombe Garden Estates, Ltd. v. Crabbe (Q.B.D., C.A.)], 410, 959.

Landlord and tenant (continued):

- Act of 1954: business premises (security of tenure): landlord's intention to reconstruct: fixed and genuine intention: relevant time of intention: relevance of undertaking given by counsel on behalf of landlord at hearing [Betty's Cafés, Ltd. v. Phillips Furnishing Stores, Ltd. (Ch. D.)], 480.
- Act of 1954: business premises (security of tenure): landlord's intention to reconstruct: "reconstruct": proof of intention to change identity of premises [Percy E. Cadle & Co., Ltd. v. Jacmarch Properties, Ltd. (C.A.)], 62.
- Act of 1954: business premises (security of tenure): landlord's intention to reconstruct: "substantial work of reconstruction": meaning [Joel v. Swaddle (C.A.)], 850.
- Act of 1954: business premises (security of tenure): notice of opposition to new tenancy: form: notice by joint landlords of intention to demolish and reconstruct the "whole of the" premises: application for new tenancy: death of one landlord: hearing before grant of probate: evidence by surviving landlord and named executor of intention to demolish and reconstruct substantial part of premises [Biles v. Caesar (C.A.)], 108.
- Assignment or underletting of lease: consent: residential flat: covenant against assignment without consent, such consent not to be unreasonably withheld: proviso as to offer of surrender of lease before request for consent [Adler v. Upper Grosvenor Street Investment, Ltd. (Q.B.D.)], 132.
- Option to purchase: assignment: assignment of residue of term: no reference to option: whether benefit of option assigned [Griffith v. Pelton (C.A.)], 663.
- Rent restriction: death of tenant: two applicants qualified to succeed: documentary evidence of deceased tenant's preference [Trayfoot v. Lock (C.A.)], 171.
- Rent restriction: death of tenant: whether member of tenant's family "residing with" her [Collier v. Stoneman (C.A.)], 849.
- Rent restriction: death of tenant: whether member of tenant's family "residing with" her [Edmunds v. Jones (C.A.)], 848.
- Rent restriction: possession application: arrears of rent: absolute order for possession discharged by means of conditional order [Payne v. Cooper (C.A.)], 851.
- Rent restriction: possession application: arrears of rent: usual order: suspended order [Hayman v. Rowlands (C.A.)], 170.
- Rent restriction: possession application: breach of covenant: breach made good: lessee's covenants to keep in good repair: obligation "has been broken": meaning [Brown v. Davies (C.A.)], 885.
- Rent restriction: possession application: perjury by applicant: reasonableness: greater hardship on landlord: order refused on account of perjury on another issue: whether proper exercise of discretion [Yelland v. Taylor (C.A.)], 228.
- Rent restriction: possession application: trust for sale: beneficiary let into possession: no statutory delegation of trustees' powers: beneficiary grants tenancy: whether beneficiary a "landlord" entitled to possession for occupation [Stratford v. Syrett (C.A.)], 850.
- Rent restriction: premises within the Acts: sub-lease: dwelling house: claim of sub-tenants to protection of Rent Acts after termination of head-lease [Cadogan v. Henthorne (Q.B.D.)], 64.
- Rent tribunal: furnished premises: lodger: reference by paying guest or lodger: tribunal's jurisdiction: exclusive occupation of one room as residence: landlord's right of access at all times: jurisdiction to entertain reference [R. v. Battersea, Wandsworth, Mitcham and Wimbledon Rent Tribunal; *ex parte* Ambalal Parikh (Q.B.D.)], 192.

Landlord and tenant (continued):

Rent tribunal: furnished premises: rent registered: increase of rent: change of lessee: contract of letting reserving approved rent: application by lessors to tribunal for reconsideration: rent increased: whether contractual rent overridden [Villa D'Este Restaurant, Ltd. v. Burton (C.A.)], 301.
Repairs: Act of 1938: proceedings for forfeiture for breach of covenant: leave obtained to proceed against tenant: assignment of lease [Kanda v. Church Commissioners for England (C.A.)], 590.
Repairs: covenant: lessee's covenants to keep in good repair except "damage resulting from reasonable wear and tear": extent of obligation [Brown v. Davies (C.A.)], 885.

Legal aid:

Costs: charge on property recovered: dwelling-house: specific performance: contract to exchange dwelling-houses: charge by Law Society on dwelling-house received by plaintiff in exchange as "property recovered or preserved" [Wagg v. Law Society (Ch. D.)], 463.
Costs: divorce: costs of interlocutory application reserved *inter partes* to trial judge: direction by trial judge for legal aid taxation [Paice v. Paice (P.D.A.)], 780.
Costs: divorce: defended petition: security for costs ordered: wife's case abandoned: legal aid fund in no better position to obtain costs than wife [Mines v. Mines (P.D.A.)], 374.
Costs: taxation: barrister: fees: summons for review of taxation in name of assisted person: jurisdiction [Hammond v. Hammond (P.D.A.)], 612.
Disposable income: subject matter of dispute: alimony pending suit to be taken into account [Taylor (formerly Kraupl) v. National Assistance Board (C.A.)], 110.

Libel and slander:

Libel: newspaper: absolute privilege: comment based on false statement by witness at criminal trial [Grech v. Odhams Press, Ltd.; Addis v. Same (Q.B.D.)], 921.
Libel: newspaper: qualified privilege: request for apology: form: "public meeting" [Khan v. Ahmed (Q.B.D.)], 447.

Licensing:

Justices: jurisdiction: confirming authority: removal of licence: removal granted subject to confirmation: death of licensee: right of executrix to confirmation [R. v. Derby Borough Justices' Confirming Authority; *ex parte* Blackshaw (Q.B.D.)], 679.

Limitation of action:

Land, recovery of: squatter's title: use of land by trespasser for over twelve years: no discontinuance of possession by owners: whether owners dispossessed: acts of user consistent with owners' intended purpose [Williams Brothers Direct Supply, Ltd. v. Raftery (C.A.)], 921.
Local authority: money claims made more than six years after alteration of boundaries [West Riding County Council v. Huddersfield Corporation (Q.B.D.)], 209.
Negligence: injury partly caused outside statutory period [Clarkson v. Modern Foundries, Ltd. (Q.B.D.)], 960.

Local government:

Powers: highway: creation of one-way street: unrestricted power under early Act: limited power under later Act: no order by Minister under later Act: whether order valid [Brownsea Haven Properties, Ltd. v. Poole Corporation (Ch. D.)], 799.

Master and servant:

Contract of service: implied term: duration of service: officer of statutory board: offer of "permanent" employment: construction of contract [McClelland v. Northern Ireland General Health Services Board (H.L.)], 355.

Master and servant (continued):

Contract of service: implied term: injury to fellow servant by servant's negligent driving of lorry: covered by employers' liability policy but not by motor policy: damages and costs awarded against master: whether implied contract by servant to indemnify master: master's right to contribution or indemnity: whether master under duty to insure servant against such risk [Lister v. Romford Ice and Cold Storage Co., Ltd. (H.L.)], 106.
Employment of servant of another: liability for injury of servant [Gibb v. United Steel Companies, Ltd. (Q.B.D.)], 393.
Theft of servant's goods: liability of master: resident house physician: claim against hospital authority for loss by theft [Edwards v. West Herts Group Hospital Management Committee (C.A.)], 190.

Mental deficiency:

Detention order: reasonable care: consent of parent or guardian: petition signed by mother: father resident in India: legality: person found neglected: order of detention by judicial authority: jurisdiction to make order [Richardson v. London County Council (C.A.)], 429.

Military law:

Court-martial: judge-advocate: status: summing-up by: retirement of court to consider verdict: rules governing [R. v. Linzee; R. v. O'Driscoll (Courts-Martial Appeal Court)], 174.
Evidence: desertion: inadmissibility of statement in certificate of arrest that soldier wearing civilian clothes when arrested [R. v. Mahoney (Courts-Martial Appeal Court)], 46.
Mutiny: meaning [R. v. Grant (Courts-Martial Appeal Court)], 594.
Service property: fraudulent misapplication: whether sergeants' mess property included [R. v. Nicholson (Courts-Martial Appeal Court)], 89.

Mines and minerals:

Coal: breach of statutory duty: roof and sides: duty to make secure side of working place [Gough v. National Coal Board (Q.B.D.)], 762.
Coal: breach of statutory duty: ventilation: noxious gases due to insufficient ventilation: stoppage of fan for maintenance: whether manager liable [McCarthy v. Lewis (Q.B.D.)], 149.

Mortgage:

General charge: enforceability: charge to secure payment of annuity: whether enforceable on royalties [Syrett v. Egerton (Q.B.D.)], 869.
Leasing, power of: statutory: form of lease: occupation of mortgaged property by agreement with mortgagors: agreement made before mortgagors entitled to property: lump sums paid by tenants to mortgagors: whether tenancies good as against mortgagee [Hughes v. Waite (Ch. D.)], 405.
Possession, mortgagee's right to: jurisdiction of county court: whether action for recovery of land or proceedings to enforce charge [R. v. Judge Dutton Briant; *ex parte* Abbey National Building Society (Q.B.D.)], 555.

Mortgagor and mortgagee:

Possession order: ambit: order against mortgagor for "possession": non-compliance: eviction: furniture and effects left on premises [Norwich Union Life Insurance Society v. Preston (Ch. D.)], 534.

National Insurance:

Contribution: failure to pay: conviction for failure to pay one contribution: order for payment of arrears: committal for failure to comply with order: whether "enforceable as a civil debt": whether "recoverable as a penalty" [R. v. Marlow (Bucks) Justices; *ex parte* Schiller (Q.B.D.)], 612.

National Insurance (continued):

Industrial injuries benefit: paired organ, injury to: decision by medical appeal tribunal: error of law on face of decision: certiorari [R. v. Medical Appeal Tribunal; *ex parte* Gilmore (C.A.)], 248.
Industrial injuries benefit: "paired organs" principle: injury to fingers [R. v. Medical Appeal Tribunal at London; *ex parte* Burpitt (Q.B.D.)], 630.

Nationality:

Naturalisation: Royal family: statute of 1705: effect of preamble [A.-G. v. Prince Ernest Augustus of Hanover (H.L.)], 60.

Negligence:

Contractor: duty to licensee: duty to residents in and visitors to premises: work in progress: normal means of access made impassable: dangerous alternative route: injury to visitor using it: liability [A. C. Billings & Sons, Ltd. v. Riden (H.L.)], 645.
Factory: dust: elimination: accumulation of dust: dangerous wood dust: ventilation: no requirement for provision of extractors: settlement of dust on skin: whether accumulation [Graham v. Co-operative Wholesale Society, Ltd. (Q.B.D.)], 267.
Fire: escape of fire: negligence of independent contractors' workmen: liability of householder [Balfour v. Barty-King; Hyder & Sons (Builders), Ltd., third parties (C.A.)], 62.
Hospital: operation: electro-convulsive therapy: patient injured during treatment: more than one accepted medical standard [Bolam v. Friern Hospital Management Committee (Q.B.D.)], 357.
Meaning: contract: indemnity clause: whether breach of statutory duty is negligence [Murfin v. United Steel Companies, Ltd.; Power Gas Corporation, Ltd., third party (C.A.)], 61.
Safe system of work: dangerous employee: injury caused to fellow workman: employers' failure to prevent habitual skylarking of one workman known to be likely to injure other servants [Hudson v. Ridge Manufacturing Co., Ltd. (Q.B.D.)], 409.
Safe system of work: oiling machines in motion: employer's duty to give proper instructions and see that they are carried out [Lewis v. High Duty Alloys, Ltd. (Q.B.D.)], 373.
Safe system of work: plant and equipment: latent defect: injury to workman from tool with latent defect: liability of employer and maker [Davie v. New Merton Board Mills, Ltd. (Q.B.D.)], 321.
Safe system of work: standard of care: injurious dust: dermatitis from West African hardwood dust: danger a recent discovery: no knowledge by employers of danger: not negligence [Graham v. Co-operative Wholesale Society, Ltd. (Q.B.D.)], 267.

Nuisance:

Public: class of public affected: whether sufficient number: quarry [A.-G. v. P. Y. A. Quarries, Ltd. (C.A.)], 338.
Things naturally on land: trees: liability: damage by roots encroaching from adjoining land [Davey v. Harrow Corporation (C.A.)], 405.

Police:

Wages: wages during incapacity: recovery: injury to constable through negligence of defendants: right of recovery by police authority of wages paid during incapacity [Receiver for the Metropolitan Police District v. Croydon Corporation; Monmouthshire County Council v. Smith (C.A.)], 60.

Power of appointment:

General power: exercise: will: no reference to power in residuary gift: whether exercised [In re Thirlwell; Evans v. Thirlwell (Ch. D.)], 886.

Power of appointment (continued):

General power: power contained in English settlement: whether validly exercised by general disposition in will of testatrix domiciled abroad [*In re Waite's Settlement Trusts*; *Westminster Bank, Ltd. v. Brouard* (Ch. D.)], 446.

Special power: exercise: whether exercised by general words in appointor's will [*In re Knight*; *In re Wynn*; *Midland Bank Executor and Trustee Co., Ltd. v. Parker* (C.A.)], 429.

Practice and procedure:

Chancery Division: mortgage: legal charge: mortgagee's summons for possession: discretion to adjourn: confined to mortgages repayable by instalments [*Four-Maids, Ltd. v. Dudley Marshall (Properties), Ltd.* (Ch. D.)], 408.

Interpleader proceedings: costs: order that two actions be listed and tried together: whether jurisdiction to order unsuccessful plaintiff in one action to pay defendant in that action costs of different proceeding to which plaintiff was not party [*John Fairfax & Son Pty., Ltd. v. E. C. de Witt & Co. (Australia) Pty., Ltd.* (C.A.)], 901.

Parties: joinder: partnership: firm name: defendants sued in firm name: one partner out of jurisdiction: application for leave to issue concurrent writ and serve out of jurisdiction [*West of England Steamship Owners' Protection and Indemnity Association, Ltd. v. John Holman & Sons* (Ch. D.)], 886.

Payment into court: tax deduction: party entitled or obliged to deduct tax on interest of claim: whether payment made with deduction of tax [*The Norseman* (P.D.A.)], 556.

Pleadings: particulars: wrongful dismissal: claim for loss of remuneration: particulars of taxable income to be given [*Phipps v. Orthodox Unit Trusts, Ltd.* (C.A.)], 884.

Pleadings: statement of claim: amendment setting up new cause of action: defendant deprived of defence under Statute of Limitations, 1939: rule of practice [*Hall v. Meyrick* (C.A.)], 574.

Transfer of proceedings: administration pending: *locus standi*: order for administration made in Chancery Division: action against executors in Queen's Bench Division: motion to discharge order of transfer: *locus standi* of plaintiff in action not party to administration proceedings [*In re Capelovitch*; *Sandelson v. Capelovitch* (Ch. D.)], 63.

Trial: date: non-jury actions: fixed dates: delay: mitigation [*Practice Direction*, 1st April (Q.B.D.)], 339.

Writ: service on foreign company: action by Commissioners of Customs and Excise for order of condemnation: writ served on company's former solicitors [*Commissioners of Customs and Excise v. I.F.S. Irish Fully Fashioned Stockings, Ltd.* (Q.B.D.)], 192.

Public health:

Nuisance: smoke: whether hospital management committee exempt from summary proceedings under Public Health Act, 1936 [*Nottingham No. 1 Area Hospital Management Committee v. Owen* (Q.B.D.)], 852.

Public policy:

Suicide: claim for damages by personal representatives and dependants [*Pigney v. Pointer's Transport Services, Ltd.* (Q.B.D.)], 851.

Railway:

Bridge: "immediate approaches": liability to maintain diverted road [*Monmouthshire County Council v. British Transport Commission* (Q.B.D., C.A.)], 209, 867.

Negligence: ganger injured by train: practice to allow workmen to walk on track [*Trznadel v. British Transport Commission* (C.A.)], 779.

Railway (continued):

Powers: bridges: right of way: dedication: footpath over private accommodation bridge: presumption of dedication: long user by public: power of railway authority to dedicate: statutory purposes of authority [*British Transport Commission v. Westmorland County Council*; *Same v. Worcestershire County Council* (H.L.)], 445.

Statutory duty: permanent way: man killed on line: whether "repairing the permanent way" [*Cade v. British Transport Commission* (C.A.)], 646.

Statutory duty: permanent way: men killed on line: whether work of "repairing": whether "danger... likely to arise" [*Reilly v. British Transport Commission*; *Woods v. Same* (Q.B.D.)], 45.

Rates and rating:

Assessment: rateable value: profits basis: statutory water undertaking: sums raised by precepts to meet loan charges: whether taken into account in assessing net annual value [*Mid-Northamptonshire Water Board v. Lee* (Valuation Officer) (H.L.)], 370.

Assessment: valuation list: *locus standi* of rating authority in 1954 to propose addition to list [*John Walsh, Ltd. v. Sheffield Corporation*; *Tranter v. Same* (C.A.)], 849.

Charities: "new list": notices terminating allowances: sent before expiration of first year of new list: whether premature [*St. Pancras Borough Council v. University of London* (Ch. D., C.A.)], 464, 959.

Crematoria: acquired under Burial Act, 1852: whether qualified for rating relief afforded to burial grounds [*Law* (Valuation Officer) v. *Wandsworth Borough Council*; *Parkin* (Valuation Officer) v. *Camberwell Borough Council* (C.A.)], 646.

"Education": "advancement of education": professional organisation: insurance institute [*Chartered Insurance Institute v. London Corporation* (Q.B.D.)], 575.

Gas board: overpayment of rates: refund: calculation: "rates actually levied": "levied": whether discount to be taken into account [*West Hartlepool Corporation v. Northern Gas Board* (Q.B.D.)], 207.

Industrial hereditament: motor company service depot: work done on instructions of insurers: whether "retail" [*Meriden Rural District Council v. Standard Motor Co., Ltd.*; *Paver* (Valuation Officer) v. *Standard Motor Co., Ltd.* (C.A.)], 663.

Industrial hereditament: road vehicle housing or maintenance: public transport depot: hereditament used for overhaul and repair of omnibuses [*London Transport Executive v. Betts* (Valuation Officer) (C.A.)], 779.

Plant and machinery: oil refinery: topping unit [*B. P. Refinery (Kent), Ltd. v. Walker* (Valuation Officer) (C.A.)], 391.

Rateable occupation: refreshment pavilion: public park in private occupation: whether rateable [*Sheffield Corporation v. Tranter* (Valuation Officer) (C.A.)], 554.

"Religion": United Grand Lodge of Freemasons: whether main object "the advancement of religion" [*United Grand Lodge of Ancient Free and Accepted Masons of England v. Holborn Borough Council* (Q.B.D.)], 851.

"Social welfare": friendly society: convalescent home [*National Deposit Friendly Society Trustees v. Skegness Urban District Council* (Q.B.D., C.A.)], 173, 664.

"Social welfare": friendly society: Odd-fellows [*Independent Order of Oddfellows Manchester Unity Friendly Society v. Manchester Corporation* (Q.B.D.)], 834.

"Social welfare": health: council authorised by statute to maintain register of nurses: claim for rating relief [*General Nursing Council for England and Wales v. St. Marylebone Borough Council* (Ch. D., C.A.)], 647, 973.

Rates and rating (continued):

"Social welfare": recreation: miners' welfare holiday camp: trustees occupying premises used for "purpose of a holiday centre... for the benefit of" coal miners, their dependants and invitees [*Derbyshire Miners' Welfare Committee v. Skegness Urban District Council* (Q.B.D., C.A.)], 465, 973.

"Social welfare": Theosophical Society: objects of society not wholly charitable [*Berry v. St. Marylebone Borough Council* (Ch. D., C.A.)], 266, 973.

Restraint of trade:

Employment: agreement between two companies that neither would engage servants of other: duration: validity [*Kores Manufacturing Co., Ltd. v. Kolok Manufacturing Co., Ltd.* (Ch. D.)], 799.

Master and servant: salesman: covenant not to sell, etc., to persons inscribed on firm's books for five years after determination of agreement: restriction unreasonable [*M. & S. Drapers (a firm) v. Reynolds* (C.A.)], 44.

Restrictive covenant:

Declaration: whether land affected by covenant: covenants to maintain land as public park: declaration that covenants no longer enforceable [*In re Freeman-Thomas Indenture*; *In re Ratton Estate* (Ch. D.)], 320.

Enforceability: transfer of benefit: absence of building scheme, words of annexation and chain of assignments [*In re Pinewood Estate, Farnborough* (Ch. D.)], 554.

Obsolete: modification: impeding reasonable user of land [*In re Ghey and Galton's Application* (C.A.)], 679.

Positive covenant: enforcement: building scheme: covenant by purchasers of plots on behalf of themselves and their successors to pay annual levy for road maintenance, etc.: positive covenant not running with land: enforceability [*Halsall v. Brizell* (Ch. D.)], 88.

Restrictive trade practices:

Conditions as to resale prices: individual enforcement: notice of restriction: express notice required [*County Laboratories, Ltd. v. J. Mindel, Ltd.* (Ch. D.)], 286, 320.

Registration: agreements registrable: motor-car manufacturers: restrictive trading agreements: agreements between company and their distributors and dealers: multi-partite agreements: liability of existing agreements to registration: new bi-partite agreements substituted [*In re Austin Motor-Car Co., Ltd.'s Agreements* (Ch. D.)], 647.

Revenue:

Estate duty: contribution to: deferred pecuniary legacies: "free of duty": liability to estate duty: prior successive life interests: whether legatees liable to contribute towards duty paid on first death [*In re McNeill*; *Royal Bank of Scotland v. MacPherson* (C.A.)], 958.

Estate duty: gift *inter vivos*: shares: exchange by deceased of ordinary shares for preference shares of less value: direction to company to allot other preference shares to which deceased was entitled [*Letts v. Inland Revenue Commissioners* (Ch. D.)], 130.

Estate duty: property chargeable: disclaimer of specific legacies within five years of death of disclaimant: resulting benefit to residuary legatees: liability to estate duty on death of disclaimant [*In re Stratton's Disclaimer*; *Stratton v. Inland Revenue Commissioners* (C.A.)], 533.

Estate duty: property chargeable: property deemed to pass: insurance policy: whether "wholly kept up... for the benefit of a donee" [*In re Hodge's Policy*; *Hodge v. Inland Revenue Commissioners* (Ch. D., C.A.)], 338, 920.

Revenue (continued):

Estate duty: property chargeable: property deemed to pass: settlement: life assurance policy on settlor's life: death of settlor: whether estate duty payable [Westminster Bank, Ltd. v. Inland Revenue Commissioners; Wrightson v. Same (H.L.)], 629.

Estate duty: property chargeable: property passing on death: settlement: trust during settlor's lifetime void: whether resulting trust to settlor [*In re Flower's Settlement Trusts*; Flower v. Inland Revenue Commissioners (C.A.)], 189.

Income tax: balancing charge: "actual income": whether balancing charge part of "actual income" for company sur-tax purposes [Inland Revenue Commissioners v. Wood Bros. (Birkenhead), Ltd. (in liquidation) (C.A.)], 849.

Income tax: capital or income expenditure: licence: claim to deduct cost of application to vary public carrier's licence [Pyrarh (Inspector of Taxes) v. Annis & Co., Ltd. (C.A.)], 128.

Income tax: capital or income expenditure: repairs: covenant in lease compelling tenants to put property in repair: not deductible expenditure [Jackson (Inspector of Taxes) v. Laskers Home Furnishers, Ltd. (Ch. D.)], 44.

Income tax: capital or income expenditure: timber merchant: purchase of standing timber [Hood Barrs v. Inland Revenue Commissioners (H.L.)], 285.

Income tax: capital or income receipt: sale of "know how" by manufacturing chemists to Burmese Government [Evans Medical Supplies, Ltd. v. Moriarty (Inspector of Taxes) (C.A.)], 147.

Income tax: charity: covenants to pay subscriptions for seven years: benefit given to covenantors: whether charity exempt [Inland Revenue Commissioners v. National Book League (C.A.)], 553.

Income tax: discontinuance of trade or profession: author: death: royalties paid after author's death arising from contracts made by him: whether assessable [Carson (Inspector of Taxes) v. Cheyney's Executor (Ch. D., C.A.)], 590, 868.

Income tax: employment: voluntary payment: transfer of shares to comply with wishes of deceased shareholder: expressed to be in consideration of transferee remaining in service of company [Bridges (Inspector of Taxes) v. Hewitt; Same v. Bearsley (Ch. D., C.A.)], 63, 391.

Income tax: "expenses of management": repayment of tax: life assurance companies: purchase and sale of securities: brokerage and stamp duties [Sun Life Assurance Society v. Davidson; Phoenix Assurance Co., Ltd. v. Logan (H.L.)], 590.

Income tax: new source of income: "source": deposit account at bank: interest payable [Hart (Inspector of Taxes) v. Sangster (C.A.)], 356.

Income tax: non-resident: English company carrying on French company's trade without authorisation during war: profits arising: assessability as agent [Boston Deep Sea Fishing and Ice Co., Ltd. v. Farnham (Inspector of Taxes) (Ch. D.)], 834.

Income tax: non-resident: trade within United Kingdom: contracts made in United Kingdom for sale of goods manufactured there: United Kingdom company assessed as agent of foreign company: whether authorised regular agent of foreign company carrying on trade or business within United Kingdom [Firestone Tyre and Rubber Co., Ltd. v. Lewellin (Inspector of Taxes) (H.L.)], 228.

Income tax: Schedule A: assessment on landlord and tenant: flats forming part of single building: method of assessment: whether assessment on landlord or tenant [Gatehouse v. Vise (Inspector of Taxes) (C.A.)], 319.

Income tax: settlement: revocability: power to apply capital for benefit of settlor's wife: capital not to be reduced below £100: "power to determine settlement or any provision thereof" [Inland Revenue Commissioners v. Saunders (H.L.)], 645.

Revenue (continued):

Income tax: settlement: revocability: residence of settlor out of jurisdiction: property within jurisdiction: income included in settlor's assessment for sur-tax [Kenmare v. Inland Revenue Commissioners (H.L.)], 646.

Income tax: settlement: surrender: wife's surrender of life interest to children: whether disposition: whether "settlement": husband assessed on income paid by trustees to infant children of wife's former marriage [Inland Revenue Commissioners v. Buchanan (C.A.)], 502.

Income tax: war damage: value payments: property dealing company: whether profits or gains for income tax purposes [London Investment and Mortgage Co., Ltd. v. Inland Revenue Commissioners; Same v. F. N. Worthington (Inspector of Taxes) (C.A.)], 61.

Profits tax: allowances: industrial buildings or structures: dwelling-houses at colliery: owned by mine owners: occupied by miners: value "when the mine . . . is no longer worked" [National Coal Board v. Inland Revenue Commissioners (H.L.)], 502.

Profits tax: "controlling interest": body corporate a shareholder: whether register of members sole test of shareholding [S. Berendsen, Ltd. v. Inland Revenue Commissioners (Ch. D., C.A.)], 229, 533.

Profits tax: "distribution": winding up distribution: surplus assets distributed in liquidation: whether a "gross relevant distribution" [Inland Revenue Commissioners v. Pollock & Peel, Ltd. (in liquidation) (C.A.)], 532.

Profits tax: investment company: direction by Special Commissioners: computation of company's actual income: deduction of amount payable by company for profits tax [R. v. Income Tax Special Commissioners; *ex parte* Linsleys (Established 1894), Ltd. (C.A.)], 318.

Special contribution: limitation of assessment: no time limit for making assessment [Beauchamp's Executors v. Inland Revenue Commissioners (Ch. D.)], 302.

Stamp duty: conveyance or transfer on sale: company, having contracted for purchase of property, agrees to resell to second company: conveyance to second company by executors of original vendor when first company beneficial owner of not less than 90 per cent. of other company's share capital: conveyance or transfer of beneficial interest from one company to another [Escoigne Properties, Ltd. v. Inland Revenue Commissioners (C.A.)], 109.

Sur-tax: company: investment company: apportionment of undistributed income pursuant to sur-tax direction: meaning of shareholders' "interests" [Wigram Family Settled Estates, Ltd. (in liquidation) v. Inland Revenue Commissioners (C.A.)], 128.

Sur-tax: company: undistributed profits: shares issued out of surplus assets: redemption of shares: shares issued for consideration but not adequate consideration: deemed to be income of members [Inland Revenue Commissioners v. Thornton, Kelley & Co., Ltd. (Ch. D.)], 265.

Road traffic:

Drugs, driving under influence of: meaning of "drug": insulin [Armstrong v. Clark (Q.B.D.)], 208.

Insurance: whether policy should cover servant against accidents to fellow servants [Lister v. Romford Ice and Cold Storage Co., Ltd. (H.L.)], 106.

Special type of vehicle: width: motor tractor towing combine harvester: whether one vehicle [William Gwennap (Agricultural), Ltd. v. Amphlett (Q.B.D.)], 592.

Sale of goods:

C.I.F.: cancelling clause: prevention of shipment: temporary prohibition of export of commodity: whether sellers exonerated by *force majeure* clause [Fairclough, Dodd and Jones, Ltd. v. J. H. Vantol, Ltd. (H.L.)], 86.

Sale of goods (continued):

F.O.B.: export licence: goods to be shipped from foreign port: "delivery prompt, as soon as export licence granted": implied warranty that sellers would obtain licence: liability on refusal of licence [Peter Cassidy Seed Co., Ltd. v. Osuustukkukauppa I.L. (Q.B.D.)], 149.

Nemo dat quod non habet: estoppel: motor car: owner enabling seller to represent himself as owner: limitation on seller's authority: sale without authority: whether property passed: hire-purchase agreement between purchaser and owner: whether subsequent *bona fide* purchaser for value from former owner obtained good title [Eastern Distributors, Ltd. v. Goldring; Murphy, third party (C.A.)], 553.

Warranty: collateral warranty: innocent misrepresentation: motor-car: 1939 car described as "1948 model" in reliance on date of first registration in registration book: fundamental mistake by both parties [Oscar Chess, Ltd. v. Williams (C.A.)], 186.

Settlement:

Construction: acceleration: uncertainty: trust during settlor's lifetime void: whether interests in remainder accelerated or resulting trust to settlor [*In re Flower's Settlement Trusts*; Flower v. Inland Revenue Commissioners (C.A.)], 189.

Construction: acceleration: will: successive interests: disclaimer: disposal of intermediate income [*In re Hatfield's Will Trusts*; Hatfield v. Hatfield (Ch. D.)], 480.

Shipping:

Bill of lading: indemnity for clean bill: goods "shipped in apparent good order and condition": statement false to knowledge of shipowner: indemnity taken: whether enforceable [Brown Jenkinson & Co., Ltd. v. Percy Dalton (London), Ltd. (C.A.)], 610.

Bill of lading: port of discharge: strike deviation clause: discharge at Hamburg instead of London [G. H. Renton & Co., Ltd. v. Palmira Trading Corporation of Panama (H.L.)], 43.

Bill of lading: time bar: Hague rules: general average contribution: general average expenditure incurred as result of shipowners' failure to use due diligence: claim by shipowners [Gouldris Brothers, Ltd. v. B. Goldman & Sons, Ltd. (Q.B.D.)], 762.

Charterparty: "arrived" ship: delay by export control: obligation of charterers to have cargo available [Agrimpex Hungarian Trading Company for Agricultural Products v. Sociedad Financiera de Brenes Raicos S.A. (Q.B.D.)], 975.

Charterparty: clause paramount: whether charterparty affected by United States Carriage of Goods by Sea Act, 1936: "loss or damage arising . . . from unseaworthiness": meaning [Anglo-Saxon Petroleum Co., Ltd. v. Adamastos Shipping Co., Ltd. (Q.B.D., C.A.)], 267, 405.

Charterparty: demurrage: "weather working days": meaning [Compania Naviera Azuero S.A. v. British Oil & Cake Mills, Ltd. (Q.B.D.)], 430.

Charterparty: voyage: anticipatory breach: renunciation or impossibility: failure to load: inability of charterer to nominate shipper or berth or to provide cargo: whether breaches of condition or warranty: charterparty cancelled by shipowners before expiry of lay days: whether justified: delay justifying rescission: proper test [Universal Cargo Carriers Corporation v. Citati (Q.B.D., C.A.)], 320, 762.

Collision: tug and tow: negligence of crew of tug outside province of pilot of tow: damage to third vessel: liability of regular employer or hirer [The Panther and The *Erichbank* (P.D.A.)], 209.

Limitation of liability: contractual exclusion: towage: whether parties contracting out of Merchant Shipping Act, 1894, s. 503 [Aalsey Steam Fishing Co., Ltd. v. Hillman (Owners); The *Kirknes* (P.D.A.)], 65.

Shipping (continued):

Salvage: personal award: consideration of tax element [*Tantalus* (Master and Crew) v. *Telemachus*, Her Cargo and Freight (Owners); *The Telemachus* (P.D.A.)], 112.

Solicitor:

Costs: registered land: transfer: scale fee: whether applicable if work not wholly done [*In re 10 The Terrace*, Hampton Wick, Middlesex; *Broughton v. Thorne* (Ch. D.)], 131.

Costs: registered land: transfer: scale fee: whether applicable if work not wholly done: change of solicitor [*In re Taxation of Costs*; *In re a Solicitor* (C.A.)], 147.

Discipline: solicitor's clerk: larceny of property not belonging to solicitor or client: order against clerk made as result of Act passed subsequent to conviction [*In re a Solicitor's Clerk* (Q.B.D.)], 960.

Will: failure to advise on effect of marriage on will: duty of solicitor [*Hall v. Meyrick* (Q.B.D., C.A.)], 229, 574.

Statute:

Commencement: date: Act applicable abroad: to come into force on 1st January, 1957: offences committed by troops in Hong Kong on 1st January, 1957, by Hong Kong time: in advance of Greenwich mean time [*R. v. Logan* (Courts-Martial Appeal Court)], 594.

Theatre:

Licence: rules: condition prohibiting sale of liquor and tobacco in theatre: theatre continuously licensed for sale of liquor and tobacco: application for renewal on same terms: proximity of licensed premises [*R. v. Flintshire County Council County Licensing (Stage Plays) Committee*; *ex parte Barrett* (C.A.)], 87.

Town and country planning:

Compensation: capital or income: "unexpended balance of established development value" [*In re Hasluck*; *Sully v. Duffin* (Ch. D.)], 868.

Compensation: land held on trust for sale: compensation not to be treated as proceeds of sale arising under trust for sale [*In re Meux*; *Gilmour v. Gilmour* (Ch. D.)], 611.

Enforcement notice: form: compliance with statutory requirements: no appeal against notice: failure to comply with requirements of notice: subsequent prosecution: whether evidence admissible to prove development had not taken place [*Norris v. Edmonton Corporation* (Q.B.D.)], 612.

Enforcement notice: form: validity: notice alleging development without permission: permission for limited period granted: effect of owner's failure to appeal to justices: whether barred from questioning notice in High Court [*Francis v. Yiewsley and West Drayton Urban District Council* (Q.B.D., C.A.)], 303, 920.

Enforcement notice: non-compliance: repeated offences: relator action by Attorney-General: injunction [A.-G. v. *Bastow* (Q.B.D.)], 192.

Statutory undertaker: "operational land": land owned by statutory undertaking for purpose of undertaking: not yet used for such purpose: whether "operational land" [*R. v. Minister of Fuel and Power*; *ex parte Warwickshire County Council* (Q.B.D.)], 555.

Trade dispute:

Act in furtherance of: conspiracy: predominant object: preventing member of union from obtaining employment: internecine quarrel: whether trade dispute [*Huntley v. Thornton* (Ch. D.)], 171.

Industrial Disputes Tribunal: jurisdiction: claim of one workman to promotion referred by trade union to Minister: whether a "dispute" [*R. v. Industrial Disputes Tribunal*; *ex parte Queen Mary College*, University of London (Q.B.D.)], 575.

Trade mark:

Infringement: *bona fide* use of own name [*Baume & Co., Ltd. v. A. H. Moore, Ltd.* (Ch. D.)], 903.

Trespass:

Airspace: projection from building: advertising sign: whether invasion of airspace trespass or nuisance [*Kelsen v. Imperial Tobacco Co. (of Great Britain and Ireland), Ltd.* (Q.B.D.)], 446.

Tribunal:

Statutory: control by courts: declaration: labour board: delegation of disciplinary powers to committee of local board: whether *ultra vires* [*Vine v. National Dock Labour Board* (H.L.)], 86.

Trust:

Howe v. Lord Dartmouth, rule in: long leaseholds: whether rule applicable: residuary bequest including long leaseholds: whether property held on trust for sale or settled land [*In re Gough*; *Phillips v. Simpson* (Ch. D.)], 409.

Uncertainty, void for: unascertainable class: gift to persons employed or previously employed at certain date: difficulty of ascertaining range of objects: will: residuary gift: validity [*In re Eden*; *Ellis v. Crampton* (Ch. D.)], 481.

Uncertainty, void for: unascertainable class: power to make payments to employees or ex-employees, their widows and dependants: power collateral: provision for winding up of company: power subsequently to purchase annuities for persons actually or potentially eligible: ultimate trust of surplus for benefit of employees or ex-employees: whether powers and trusts valid [*In re Sayer*; *MacGregor v. Sayer* (Ch. D.)], 130.

Variation of trusts: infant tenant in tail in remainder: proposal that infant's entailed interest be sold to tenant for life and purchase price be paid to trustees of new settlement for infant's benefit [*In re Meux*; *Gilmour v. Gilmour* (Ch. D.)], 611.

Vagrancy:

Prostitution: living on the earnings of prostitution: room let to prostitute at inflated rent [*R. v. Thomas* (Cr. A.)], 430.

Vendor and purchaser:

Contract: memorandum in writing: two documents: cheque and receipt: nothing to connect cheque with receipt: sufficiency of memorandum [*Timmins v. Moreland Street Property Co., Ltd.* (C.A.)], 815.

Conveyance: parcels: description: footings of wall projecting beyond coloured area in plan [*Truckell v. Stock* (C.A.)], 108.

Defective title: right to rescind contract: deed of gift within five years: vendor's failure to secure insurance indemnity against estate duty within reasonable time: rescission [*Manning v. Turner* (Palatine Court of Lancaster)], 46.

Specific performance: error in particulars: whether misstatement as to area substantial and prejudicial: Law Society's Conditions of Sale [*Watson v. Burton* (Ch. D.)], 45.

Specific performance: laches: contract stipulating completion within two years: time not of the essence: purchaser entering into possession under contract after paying deposit: action for specific performance ten years after date of contract [*Williams v. Greatrex* (C.A.)], 43.

Vicarious liability:

Master and servant: negligence: accident while employee on way to collect wages [*Staton v. National Coal Board* (Q.B.D.)], 592.

War damage:

Cost of works payment: "made good": redevelopment of sites by construction of two large new buildings: whether "making good" damage [*City of London Real Property Co., Ltd. v. War Damage Commission* (C.A.)], 190.

War damage (continued):

Cost of works payment: preparatory remedial work: amount payable by War Damage Commission: additional work required by district surveyor: whether proper part of cost of works payment [*In re 34 Bruton Street*, Westminster (C.A.)], 516.

Weights and measures:

Offence: "actual offender": conviction of company: liability of manager [*Melias, Ltd. v. Preston* (Q.B.D.)], 481.

West Africa:

Land: conflicting traditional evidence: test applicable [*Adjeibi Kojo II v. Bonsie* (P.C.)], 972.

West Africa (Nigeria):

Land: treaty of cession: Lagos royal palace: right of Oba to occupy [*Oyekan v. Adele* (P.C.)], 574.

Will:

Construction: absolute or life interest: gift of residue to sister "and thereafter to her issue" [*In re Gouk*; *Allen v. Allen* (Ch. D.)], 265.

Construction: acceleration: gift of part of residue to stepdaughter for life and then to be divided equally between her issue: effect of disclaimer by stepdaughter of all interest in testatrix's residue [*In re Davies*; *Davies v. Mackintosh* (Ch. D.)], 611.

Construction: acceleration: residue on trusts for two persons after death of tenant for life, subject to defeasance: disclaimer by tenant for life of all interest under will: effect [*In re Taylor*; *Lloyds Bank, Ltd. v. Jones* (Ch. D.)], 816.

Construction: "children": whether limited to children *in esse*: contingent gift: "to my youngest child of R attaining 21 to such of the children of R as shall then be living": policy favouring early vesting: whether applicable [*In re Ransome*; *Moberly v. Ransome* (Ch. D.)], 302.

Construction: class gift: postponed vesting: class ascertained at death of testator: "issue": whether including adopted child [*In re Marshall*; *Barclays Bank, Ltd. v. Marshall* (Ch. D., C.A.)], 229, 644.

Construction: codicil: revocation: direction to accumulate: invalidity: destination of income: under will or on intestacy [*In re Ransome*; *Moberly v. Ransome* (Ch. D.)], 302.

Construction: cumulative gifts: bequest of £350 by will: bequest to same legatee of £1,000 by codicil "thus increasing the sum of £350": whether legatee entitled to both bequests [*In re Davies*; *Davies v. Mackintosh* (Ch. D.)], 611.

Construction: direction to executors performed by testator: direction to form company to take over business: ultimate remainder in shares to pass to daughter: company later formed by testator: whether daughter entitled to testator's shares [*In re Quibell*; *White v. Reichert* (Ch. D.)], 131.

Construction: "free of duty": "such a sum as will with the moneys I have already given . . . amount to [named sum]": moneys given *inter vivos* liable to estate duty: proper amount of legacy [*In re Dawson's Will Trusts*; *National Provincial Bank, Ltd. v. National Council of the Y.M.C.A. Incorporated* (Ch. D.)], 191.

Construction: omission: missing words supplied by court [*In re Whitrick*; *Sutcliffe v. Sutcliffe* (C.A.)], 574.

Construction: Statutes of Distribution: bequest of residue equally between brothers and sister "or their heirs and successors": persons entitled [*In re Kilvert*; *Midland Bank Executor and Trustee Co., Ltd. v. Kilvert* (Ch. D.)], 372.

Election: disposition after will: whether specific devise adeemed [*In re Edwards*; *Macadam v. Wright* (C.A.)], 515.

Lapse: class gift: public policy: manslaughter of testator by wife: bequest of residue to wife, son and stepson "in equal shares as tenants in common" [*In re Peacock*; *Midland Bank Executor and Trustee Co., Ltd. v. Peacock* (Ch. D.)], 339.

STATUTES

ENACTED IN PARLIAMENT, 1957

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CHAPTER 6

GHANA INDEPENDENCE ACT, 1957

An Act to make provision for, and in connection with, the attainment by the Gold Coast of fully responsible status within the British Commonwealth of Nations. [7th February, 1957.]

CHAPTER 7

CONSOLIDATED FUND ACT, 1957

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the 31st March, 1957. [26th February, 1957.]

CHAPTER 8

COMMONWEALTH SETTLEMENT ACT, 1957

An Act to extend the period for which the Secretary of State may make contributions under schemes agreed under s. 1 of the Empire Settlement Act, 1922. [26th February, 1957.]

CHAPTER 9

TRANSPORT (RAILWAY FINANCES) ACT, 1957

An Act to make temporary provision authorising the British Transport Commission to meet interest and other revenue charges by borrowing, and modifying the requirement of the Transport Act, 1947, as to the sufficiency of the Commission's revenue to meet revenue charges, to authorise advances out of the Consolidated Fund of sums so borrowed, and for purposes connected therewith. [26th February, 1957.]

CHAPTER 10

CONSOLIDATED FUND (No. 2) Act, 1957

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the 31st March, 1956, 1957 and 1958. [21st March, 1957.]

CHAPTER 11

HOMICIDE ACT, 1957

An Act to make for England and Wales (and for courts-martial wherever sitting) amendments of the law relating to homicide and the trial and punishment of murder, and for Scotland amendments of the law relating to the trial and punishment of murder and attempts to murder. [21st March, 1957.]

CHAPTER 12

PUBLIC TRUSTEE (FEES) ACT, 1957

An Act to make further provision as to the fees chargeable by the Public Trustee, and for purposes connected therewith. [21st March, 1957.]

CHAPTER 13

PATENTS ACT, 1957

An Act to provide for extending time limits for certain purposes relating to applications for patents; to validate extensions of time under s. 6 of the Patents, Designs, Copyright and Trade Marks (Emergency) Act, 1939, in connection with such applications in so far as any such extensions may have been invalid; and for purposes connected with the matters aforesaid. [21st March, 1957.]

CHAPTER 14

NORTHERN IRELAND (COMPENSATION FOR COMPULSORY PURCHASE) ACT, 1957

An Act to enable the Parliament of Northern Ireland to make, in relation to land in Northern Ireland, provision for purposes similar to those of s. 53 of the Town and Country Planning Act, 1947. [21st March, 1957.]

CHAPTER 15

NURSES ACT, 1957

An Act to consolidate certain enactments relating to nurses and assistant nurses for the sick. [21st March, 1957.]

CHAPTER 16

NURSES AGENCIES ACT, 1957

An Act to consolidate certain enactments relating to agencies for the supply of nurses. [21st March, 1957.]

CHAPTER 17

RATING AND VALUATION ACT, 1957

An Act to reduce, during the currency of existing valuation lists, the rateable value of certain hereditaments; to make further provision as to the amounts payable by way of rates or in lieu of rates by the British Transport Commission, the Central Electricity Authority and Area Gas Boards; to amend the provisions of the Local Government Act, 1948, as to the ascertainment of the rateable value for an area; and for purposes connected with the matters aforesaid. [21st March, 1957.]

CHAPTER 18

CUSTOMS DUTIES (DUMPING AND SUBSIDIES) ACT, 1957

An Act to authorise the imposition of duties of customs where goods have been dumped or subsidised, and for connected purposes. [17th April, 1957.]

CHAPTER 19

PUBLIC HEALTH OFFICERS (DEPUTIES) ACT, 1957

An Act to dispense with the consent of the Minister of Health to the appointment under the Local Government Act, 1933, or the London Government Act, 1939, of deputies of medical officers of health and deputies of public health officers. [17th April, 1957.]

CHAPTER 20

HOUSE OF COMMONS DISQUALIFICATION ACT, 1957

An Act to make provision for disqualifying the holders of specified offices for membership of the House of Commons, and to repeal the enactments providing for the disqualification of the holders of offices or places of profit under the Crown and other offices, of persons having pensions from the Crown and of persons contracting with the Crown for or on account of the public service, and certain enactments disqualifying members of that House for holding other offices; to make corresponding provision in respect of the Senate and House of Commons of Northern Ireland; and for purposes connected with the matters aforesaid. [17th April, 1957.]

CHAPTER 21

CINEMATOGRAPH FILMS ACT, 1957

An Act to provide for the imposition of a levy on exhibitors of cinematograph films and for the making from the proceeds thereof of payments to, or for the benefit of, makers of British cinematograph films and to the Children's Film Foundation, Ltd.; to amend the law relating to the functions and finances of the National Film Finance Corporation; to extend the period during which, under s. 1 of the Cinematograph Films Act, 1948, the inclusion of British cinematograph films amongst registered films exhibited to the public in theatres in Great Britain is obligatory and increase the maximum amount of certain fees payable under the Cinematograph Films Act, 1938; and for purposes connected with the matters aforesaid. [17th April, 1957.]

CHAPTER 22

WHITE FISH AND HERRING INDUSTRIES ACT, 1957

An Act to amend the provisions of the White Fish and Herring Industries Act, 1953, relating to grants by the White Fish Authority and the Herring Industry Board towards new vessels and engines and to the white fish subsidy; to provide a subsidy in respect of herring; and for purposes connected with the matters aforesaid. [17th April, 1957.]

CHAPTER 23

EXPORT GUARANTEES ACT, 1957

An Act to amend the Export Guarantees Acts, 1949 to 1952. [6th June, 1957.]

CHAPTER 24

HOUSE OF COMMONS MEMBERS' FUND ACT, 1957

An Act to authorise the payment out of moneys provided by Parliament of annual contributions towards the House of Commons Members' Fund and to extend the powers of investment of the trustees of that fund. [6th June, 1957.]

CHAPTER 25

RENT ACT, 1957

An Act to amend the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, the Rent of Furnished Houses Control (Scotland) Act, 1943, the Furnished Houses (Rent Control) Act, 1946, the Housing (Repairs and Rents) (Scotland) Act, 1954, and certain other enactments relating to the control of rents and the right to retain possession of houses; to provide a minimum length for notice to terminate residential lettings; and for purposes connected with the matters aforesaid. [6th June, 1957.]

CHAPTER 26

NATIONAL INSURANCE ACT, 1957

An Act to provide for modifying the provisions of the National Insurance Act, 1946, under which persons are treated as having retired; to amend the conditions of entitlement to certain benefits payable out of the National Insurance Fund or the Industrial Injuries Fund; to provide for an additional description of benefit under the aforesaid Act in respect of a child; to amend the provisions of that Act as to contributions in respect of periods as an insured person under the age of sixteen; and for purposes connected with the matters aforesaid. [6th June, 1957.]

CHAPTER 27

SOLICITORS ACT, 1957

An Act to consolidate the Solicitors Acts, 1932 to 1956, and certain other enactments relating to solicitors, with corrections and improvements made under the Consolidation of Enactments (Procedure) Act, 1949. [6th June, 1957.]

CHAPTER 28

DENTISTS ACT, 1957

An Act to consolidate the enactments relating to dentists and other dental workers with corrections and improvements authorised under the Consolidation of Enactments (Procedure) Act, 1949. [6th June, 1957.]

CHAPTER 29

MAGISTRATES' COURTS ACT, 1957

An Act to make provision for persons charged with certain summary offences to plead guilty without appearing before the court; to provide for the proof before magistrates' courts of certain matters; to restrict the power of such courts to issue a warrant for the arrest of an accused person on his failing to appear; to extend the power of such courts with respect to the mitigation of penalties; and for other purposes connected with the purposes aforesaid. [6th June, 1957.]

CHAPTER 30

CHURCH OF SCOTLAND (PROPERTY AND ENDOWMENTS) ACT, 1957

An Act to amend s. 36 of the Church of Scotland (Property and Endowments) Act, 1925, in its application to benefices with more than one incumbency. [6th June, 1957.]

CHAPTER 31

OCCUPIERS' LIABILITY ACT, 1957

An Act to amend the law of England and Wales as to the liability of occupiers and others for injury or damage resulting to persons or goods lawfully on any land or other property from dangers due to the state of the property or to things done or omitted to be done there, to make provision as to the operation in relation to the Crown of laws made by the Parliament of Northern Ireland for similar purposes or otherwise amending the law of tort, and for purposes connected therewith. [6th June, 1957.]

CHAPTER 32

NAVAL AND MARINE RESERVES PAY ACT, 1957

An Act to make further provision with respect to the pay, bounty and allowances of officers and men of the naval and marine reserves (including officers of reserve to the royal navy) and for purposes connected therewith. [6th June, 1957.]

CHAPTER 33

NEW STREETS ACT, 1951 (AMENDMENT) ACT, 1957

An Act to amend the New Streets Act, 1951. [6th June, 1957.]

CHAPTER 34

NATIONAL HEALTH SERVICE CONTRIBUTIONS ACT, 1957

An Act to make provision for requiring persons who pay, or are liable to pay, contributions under the National Insurance Acts, 1946 to 1956, to pay contributions towards the cost of the national health service, and, in consequence thereof, to reduce the rates of contributions under those Acts, and to discontinue the making of payments out of the National Insurance Fund in respect of the national health service under s. 37 of the National Insurance Act, 1946; and for purposes connected with the matters aforesaid. [17th July, 1957.]

CHAPTER 35

MAINTENANCE AGREEMENTS ACT, 1957

An Act to make provision with respect to the validity and alteration by the court of financial arrangements in connection with agreements between the parties to a marriage, whether made during the continuance or after the dissolution or annulment of the marriage, for the purposes of those parties living separately; and for purposes connected therewith. [17th July, 1957.]

CHAPTER 36

CHEQUES ACT, 1957

An Act to amend the law relating to cheques and certain other instruments. [17th July, 1957.]

CHAPTER 37

SUPERANNUATION ACT, 1957

An Act to make further provision as to gratuities payable in respect of persons employed in the civil service of the State otherwise than in an established capacity and as to the application of the Superannuation Acts to persons entering the civil service of the State after having been in other employment. [17th July, 1957.]

CHAPTER 38

HOUSING AND TOWN DEVELOPMENT (SCOTLAND) ACT, 1957

An Act to make new provision with respect to contributions out of the Exchequer and by local authorities in respect of housing accommodation provided or improved in Scotland; to enable Scottish local authorities to provide housing accommodation and other development in relief of the needs of districts other than their own; to make additional provision as respects Scotland for the making of payments in respect of unfit houses which have been well maintained, to provide as respects Scotland for the making and keeping by local authorities of registers of maximum rents of dwellings in respect of which improvement grants have been made, and for the simplifying of the procedure for the completion of the compulsory acquisition of land under certain enactments relating to housing; to amend certain provisions of the Housing (Scotland) Act, 1950; to extend s. 19 of the Town and Country Planning (Scotland) Act, 1945; and for purposes connected with the matters aforesaid. [17th July, 1957.]

CHAPTER 39

LEGITIMATION (RE-REGISTRATION OF BIRTH) ACT, 1957

An Act to extend the operation of ss. 14 and 36 (d) of the Births and Deaths Registration Act, 1953, and of the Schedule to the Legitimacy Act, 1926; and for purposes connected with that matter. [17th July, 1957.]

CHAPTER 40

THERMAL INSULATION (INDUSTRIAL BUILDINGS) ACT, 1957

An Act to make provision for the thermal insulation of industrial buildings; and for purposes connected therewith. [17th July, 1957.]

CHAPTER 41

ADVERTISEMENTS (HIRE-PURCHASE) ACT, 1957

An Act to make provision as to the information to be included in advertisements displayed or issued in connection with hire-purchase or credit sale; and for purposes connected with the matter aforesaid. [17th July, 1957.]

CHAPTER 42

PARISH COUNCILS ACT, 1957

An Act to make further provision as to the constitution of parish councils, and as to the powers of parish councils and parish meetings, in rural parishes in England and Wales. [17th July, 1957.]

CHAPTER 43

REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 1957

An Act to amend the Representation of the People Act, 1949, by assimilating the limitation on election expenses for candidates at parliamentary elections in constituencies in Northern Ireland to the limitation on those expenses for candidates at such elections in constituencies in Great Britain. [17th July, 1957.]

CHAPTER 44

NATIONAL HEALTH SERVICE (AMENDMENT) ACT, 1957

An Act to empower local health authorities to make available for reward, ambulance services provided by them in pursuance of the National Health Service Act, 1946, and for purposes connected therewith. [17th July, 1957.]

CHAPTER 45

EXCHEQUER AND AUDIT DEPARTMENTS ACT, 1957

An Act to make further provision as to the salary of the Comptroller and Auditor General and the performance of his duties. [17th July, 1957.]

CHAPTER 46

JUDICIAL OFFICES (SALARIES AND PENSIONS) ACT, 1957

An Act to provide for increasing the salaries of the recorders of Liverpool and Manchester, of county court judges and of metropolitan police magistrates; to make further provision as to the pensions of the said recorders; and for purposes connected with the matters aforesaid. [17th July, 1957.]

CHAPTER 47

MINISTERIAL SALARIES ACT, 1957

An Act to make further provision with respect to the salaries of certain Ministers and of the Leader of the Opposition; to provide for the extension to Ministers of the provisions of s. 41 of the Superannuation Act, 1949, relating to injuries incurred and diseases contracted in the discharge of duty; and for purposes connected therewith. [17th July, 1957.]

CHAPTER 48

ELECTRICITY ACT, 1957

An Act to provide for the dissolution of the Central Electricity Authority and the establishment of a Central Electricity Generating Board and an Electricity Council, and for the transfer of functions of the said Authority to that Board or Council or to the Minister of Power; to make further provision as to other matters relating to the supply of electricity; and for purposes connected with the matters aforesaid. [17th July, 1957.]

CHAPTER 49

FINANCE ACT, 1957

An Act to grant certain duties, to alter other duties, and to amend the law relating to the National Debt and the Public Revenue, and to make further provision in connection with Finance. [31st July, 1957.]

CHAPTER 50

ARMY (CONDITIONS OF ENLISTMENT) ACT, 1957

An Act to make further provision as to the transfer to the reserve or determination of service of persons serving in the army for a term of twenty-two years. [31st July, 1957.]

CHAPTER 51

ROAD TRANSPORT LIGHTING ACT, 1957

An Act to consolidate certain enactments relating to the lighting of vehicles on roads. [31st July, 1957.]

CHAPTER 52

GENEVA CONVENTIONS ACT, 1957

An Act to enable effect to be given to certain international conventions done at Geneva on the 12th August, 1949, and for purposes connected therewith. [31st July, 1957.]

CHAPTER 53

NAVAL DISCIPLINE ACT, 1957

An Act to make provision for the discipline of the Navy, and for other purposes connected with the Navy. [31st July, 1957.]

CHAPTER 54

TANGANYIKA AGRICULTURAL CORPORATION ACT, 1957

An Act to provide for the making of grants to the Governor of Tanganyika for the purpose of providing funds for the Tanganyika Agricultural Corporation; and for purposes connected with the matter aforesaid. [31st July, 1957.]

CHAPTER 55

AFFILIATION PROCEEDINGS ACT, 1957

An Act to consolidate the enactments relating to bastardy, with corrections and improvements made under the Consolidation of Enactments (Procedure) Act, 1949. [31st July, 1957.]

CHAPTER 56

HOUSING ACT, 1957

An Act to consolidate the enactments relating to housing with the exception of certain provisions relating to financial matters. [31st July, 1957.]

CHAPTER 57

AGRICULTURE ACT, 1957

An Act to make further provision for guaranteed prices and assured markets for producers of agricultural produce in the United Kingdom, to authorise the payment of grants in respect of long-term improvements of agricultural land within the United Kingdom and in respect of the costs of certain transactions concerning such land; to make fresh provision for the development of the pig industry in Great Britain (including the production, processing, manufacture and distribution of pig products); to authorise payments into the Exchequer of Northern Ireland on account of expenses incurred for the benefit of producers of agricultural produce in Northern Ireland; and for purposes connected with the matters aforesaid. [31st July, 1957.]

CHAPTER 58

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES (SPECIAL PROVISIONS) ACT, 1957

An Act to provide for the registration of births, deaths and marriages occurring out of the United Kingdom among members of the armed forces and certain other persons, or occurring on board certain ships or aircraft; and for purposes connected with the matters aforesaid. [31st July, 1957.]

CHAPTER 59

COAL-MINING (SUBSIDENCE) ACT, 1957

An Act to provide for the execution of remedial works and the making of payments in respect of damage caused by subsidence resulting from the working and getting of coal or of coal and other minerals worked therewith; for the execution of works to prevent or reduce such damage; for the carrying out of remedial or preventive measures in connection with land drainage affected or likely to be affected by such damage; and for purposes connected with the matters aforesaid. [31st July, 1957.]

CHAPTER 60

FEDERATION OF MALAYA INDEPENDENCE ACT, 1957

An Act to make provision for and in connection with the establishment of the Federation of Malaya as an independent sovereign country within the Commonwealth. [31st July, 1957.]

CHAPTER 61

WINFRITH HEATH ACT, 1957

An Act to extinguish rights of common and other rights, in so far as any such rights subsist in or over certain land in the parish of Winfrith Newburgh in the county of Dorset; to provide for determining the nature of the said rights, in so far as they subsist in or over that land, and the persons entitled thereto, and to provide for compensation in respect of the extinguishment thereof; and for purposes connected with the matters aforesaid. [31st July, 1957.]

CHAPTER 62

GOVERNORS' PENSIONS ACT, 1957

An Act to consolidate the Governors' Pensions Acts, 1911 to 1956. [31st July, 1957.]

CHAPTER 63

APPROPRIATION ACT, 1957

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the 31st March, 1958, and to appropriate the supplies granted in this Session of Parliament. [1st August, 1957.]

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CHAPTER 1

NATIONAL INSURANCE (NO. 2) ACT, 1957

An Act to increase contributions and benefits under the National Insurance (Industrial Injuries) Acts, 1946 to 1957, and the National Insurance Acts, 1946 to 1957, to repeal s. 4 of the Finance Act, 1947, to increase pensions under the Old Age Pensions Act, 1936, by an amount equal to the current value of tobacco tokens issued under the said s. 4 and to amend the conditions of entitlement to benefit under the Industrial Diseases (Benefit) Acts, 1951 and 1954, payable to or in respect of a person who contracted the disease of byssinosis; and for purposes connected with the matters aforesaid.

[28th November, 1957.]

CHAPTER 2

EXPIRING LAWS CONTINUANCE ACT, 1957

An Act to continue certain expiring laws. [19th December, 1957.]

CHAPTER 3

YARMOUTH NAVAL HOSPITAL TRANSFER ACT, 1957

An Act to transfer the Royal Naval Hospital at Great Yarmouth to the Minister of Health; and for purposes connected therewith. [19th December, 1957.]

CHAPTER 4

PUBLIC WORKS LOANS ACT, 1957

An Act to grant money for the purpose of certain local loans out of the Local Loans Fund, and for other purposes relating to local loans. [19th December, 1957.]

